



**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

**USDC SDNY
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May 1, 2013

By e-mail: Furman_NYSDChambers@nysd.uscourts.gov

The Honorable Jesse M. Furman
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007

Re: *The City of New York v. Gordon, et al.*, 12 cv 4838 (JMF)

Dear Judge Furman:

We represent plaintiff the City of New York (the "City") in this action alleging the sale and transport of unstamped cigarettes into New York City. We write briefly to apprise the Court of ongoing activity relevant to the City's request for injunctive relief.

The suggestion has been raised in this action that the purported cessation of sales of unstamped cigarettes by the Gordon defendants and All Of Our Butts has diminished the urgency of the relief sought by the City. Preliminary third-party discovery has now revealed that literally tons of cigarettes continue to be delivered into the City by defendant Regional Integrated Logistics, Inc. ("RIL"). In response to discovery, RIL provided the names of intermediate shipping companies to which RIL transferred cigarettes picked up from the Gordons, and presumably from the other Salamanca, NY sellers of unstamped cigarettes that RIL admits servicing. Documents produced by those intermediate shippers establish that RIL is engaged in on-going shipments of cigarettes – almost certainly unstamped cigarettes – to City residents.

Attached hereto as Exhibit 1 is an invoice and bill of lading from Con-way Freight, reporting a shipment date of April 12, 2013, for 1131 lbs. of "cigarettes" that RIL shipped to Lasership in New York City. Attached hereto as Exhibit 2 is an invoice from Lasership, produced in response to a subpoena for documents related to Lasership package deliveries within the City of New York of shipments received by Lasership from Regional Integrated Logistics. The invoice shows Lasership's delivery of numerous small packages to residential addresses in the City between April 15-19, 2013. Some of those deliveries are designated as "RPS," the package delivery arm of RIL, which the Gordons advertised as handling delivery of cigarettes purchased from defendant All Of Our Butts. The controlled buy by a City investigator from All

Hon. Jesse M. Furman
5/1/2013

Of Our Butts was delivered by Lasership. The complete documentation produced by Con-way, Lasership and another freight forwarder, New England Motor Freight, show weekly deliveries over the past two years.

Although we recognize that some inference is required, even the modest discovery accomplished to date presents strong evidence that RIL is now engaged in the continuous delivery of thousands of cartons of contraband cigarettes into the City. To be clear, the City does not ask the Court to consider this evidence in support of the City's motion for a preliminary injunction. Rather, the City is bringing these facts to the Court's attention to counter any implication that the City's motion has lost its urgency due to the purported closing of All Of Our Butts.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,



Eric Proshansky
Aaron Bloom
Assistant Corporation Counsel

**CNWX**

DUNS# 16-840-6437 FED TAX ID# 94-2904084

Mailing Address

REGIONAL INTEGRATED LOGISTICS
JOE GARBARINO 2321 KENMORE AVE
BUFFALO, NY US 14207

Invoice 614-122390

Page 11 of 16

Account Number REGPIXBO000
Carrier SCAC CNWX

Shipment Date 04/12/2013
Shipment Terms Prepaid

Total Due US \$291.11
by 04/27/2013

Shipper	Consignee	Reference Number
REGIONAL INTEGRATED LOGISTICS JOE GARBARINO 2321 KENMORE AVE BUFFALO, NY 14207 REGPIXBO000	LASERSHIP MATT LUBRANO 237 W 29TH STREET NEW YORK, NY 10001 LASWGXJY000	

Pieces	Description of Article and Marks	Weight(lbs)	Rate	Charges
216	PCS CIGARETTES 47770 CLASS 85 CON-WAY DISCOUNT SAVES YOU DNC DEST NOTIFICATION FSC FUEL SURCHARGE 30.80%	1,131	98.23	\$1,110.98 -\$899.89 \$15.00 \$65.02
216	TOTAL	1131	Total Charges	\$291.11

SCHEDULE DELIVERY 212-594-5009 3 PALLETS. *****LM

Contacting**Customer Service**

On the Web www.con-way.com
E-mail info@con-way.com
Phone 800-755-2728
Fax 888-890-3874

Past due balances are subject to a late penalty charge as referenced in tariff 199

**CNWX**

DUNS# 16-840-6437 FED TAX ID# 94-2904084

Send payment to:

Con-way Freight

P.O. Box 5160
Portland, OR 97208-5160

Correspondence

Regular Mail P. O. Box 982020
N Richland Hills TX 76182-8020
Overnight Mail 9151 BLVD 26, Suite 100
N Richland Hills TX 76180-6005
Payments Con-way Freight
P.O. Box 5160
Portland, OR 97208-5160

Please return this form with your payment

Payment Form

Invoice Number 614-122390
Payment Term Prepaid

Total Due US \$291.11
by 04/27/2013



STRAIGHT BILL OF LADING

DRIVER PLEASE NOTE
IF SINGLE SHIPMENT
CHECK BOX BELOW
☐

SHIPPER
PLEASE NOTE

FREIGHT CHARGES ARE PREPAID UNLESS MARKED COLLECT

☐ COLLECT

ORIGINAL - NOT NEGOTIABLE

Page 1 of 1

Driver's signature acknowledges receipt of
freight only. Received shipment is subject
to terms, conditions and limitations of liability set forth
in Tariff CNWY 199. (see www.con-way.com/tariff)



Dest SIC: XJY
DATE 04/12/13 P.O. NO. SHIPPER NO.
CUSTOMER'S SPECIAL REFERENCE NUMBER

SHIPPER (FROM) Regional Integrated logistics
Joe Garbarino

CONSIGNEE (TO) Lasership
Matt Lubrano

STREET
2321 Kenmore Ave

STREET
237 W 29th Street

CITY, STATE/PROVINCE, ZIP/POSTAL CODE (TELEPHONE)
Buffalo, NY 14207 (US) (716) 876-4645

CITY, STATE/PROVINCE, ZIP/POSTAL CODE (TELEPHONE)
New York, NY 10001 (US) (718) 274-2235

BILL TO Regional Integrated logistics
Joe Garbarino

CUSTOMS BROKER

STREET
2321 Kenmore Ave

STREET

CITY, STATE/PROVINCE, ZIP/POSTAL CODE (TELEPHONE)
Buffalo, NY 14207 (US) (716) 876-4645

CITY, STATE/PROVINCE, ZIP/POSTAL CODE (TELEPHONE)

ACCOUNT CODE

☐ **Guaranteed**

NUMBER SHIPPING UNITS	HM	KIND OF PACKAGING, DESCRIPTION OF ARTICLES, SPECIAL MARKS AND EXCEPTIONS Hazardous material sequence (ISHP) must read: UN/NA IDA, proper Shipping name, Hazard class and Packing group (SUBJECT TO INSPECTION AND CORRECTION)	NMFC NO.	CLASS OR DENSITY OF ARTICLES	WEIGHT (Subject to Correction) kg lb — kg
216		PCS (s) Cigarettes	47770	85	1131
		Remarks: schedule delivery 212-594-5009 3 pallets			

COD AMOUNT: \$

COD ☐ Prepaid
Fee: ☐ Collect

☐ U.S. ☐ Canadian

NOTE: Consignee's company check made payable to the Shipper will be accepted by
Con-way Freight and forwarded to shipper unless otherwise directed to do so by the shipper.

REMIT COD TO

ADDRESS

CITY STATE/PROVINCE ZIP/POSTAL CODE

Notice: Unless the Shipper completes the requirements as provided below, Carrier's liability shall be limited as stated herein and in Tariff CNWY-199, which may be obtained by request. Carrier shall in no event be liable for loss of profit, income, interest, attorney fees, or any special, incidental or consequential damages. Where the rate or NMFC classification is dependent on value, shippers are required to state specifically in writing the declared value of the property. For this purpose the declared value of the property is hereby specifically stated by the Shipper to be not exceeding \$ _____. Also, paragraph number 2 on the reverse side of this Bill of Lading sets forth released value terms and conditions.

Carrier liability with shipment originating within the United States: Unless the Shipper declares excess value on the Bill of Lading below, requests excess liability coverage and pays an additional charge, Carrier's maximum liability is \$25.00 per pound per individual lost or damaged piece within the shipment, subject to \$150,000.00 maximum total liability per shipment, and provided further that Carrier's liability on articles other than new articles, including but not limited to used, remanufactured or refurbished articles, shall not exceed ten cents (\$.10) per pound per individual lost or damaged piece within the shipment. And, provided further, that Carrier's liability on household goods and personal effects shall not exceed ten cents (\$.10) per pound per individual lost or damaged piece within the shipment. For this purpose the declared value of the property is hereby specifically stated by the Shipper to be \$ _____, and Shipper agrees to pay an additional charge for excess liability coverage. Total declared value may not exceed \$650,000.00 per shipment.

Carrier liability with shipment originating within Canada: Unless the Shipper agrees to a Special Agreement, declares the value in the box below and agrees to pay the excess liability charge by initiating where indicated, Carrier's maximum liability is CAN\$2.00 per pound (CAN\$4.41 per kilogram) per individual lost or damaged piece within the shipment, subject to a maximum total liability per shipment of CAN\$20,000.00, and provided further that Carrier's liability on articles other than new articles, including but not limited to used, remanufactured or refurbished articles, shall not exceed ten cents (\$.10) (CAN) per pound per individual lost or damaged piece within the shipment. And, provided further, that Carrier's liability on household goods and personal effects shall not exceed ten cents (\$.10) (CAN) per pound per individual lost or damaged piece within the shipment.

SPECIAL AGREEMENT: Declared Value: CAN \$ _____ per pound. (Declared value may not exceed CAN \$100,000.00 per shipment.)
Shipper agrees to pay excess liability charge: _____ (Shipper's Initials)

Shipper's Certification: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable International and national governmental regulations.

Shipment Received: The shipment is received subject to Tariff CNWY-199, Carrier's pricing schedules, terms, conditions and rules maintained at Carrier's general offices in effect on the date of issue of this Bill of Lading, as well as the National Motor Freight Classifications (NMFC), the Hazardous Materials Transportation Regulations (Title 49 — CFR, Subtitle B, Chapter 1, Sub Chapter A-C), and the Household Goods Mileage Guide (HHGB 105 Series), for shipments originating in the United States; and the Canadian Motor Vehicle Transport Act, the Transportation of Dangerous Goods Act, and the regulations in force in the provincial jurisdiction at the time and place of the shipment for shipments originating in Canada. The property described on this Bill of Lading is in apparent good order, but only to the extent that it is unopened and visible without further inspection and except as noted or marked. The property is consigned and destined as indicated above. The word Carrier is defined throughout this contract as meaning any person or corporation in possession of the property under this contract. Carrier agrees to carry the property to its destination, if on its route, otherwise to deliver to another Carrier on the route to said destination. In the event no markings are indicated on the Bill of Lading stating that the shipment is to be billed as PPD or COL, all shipments will be billed as PPD. It is mutually agreed as to each Carrier of all or any of said property, over all or any portion of said route to the destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all of this Bill of Lading's terms and conditions in effect on the date of shipment, including, but not limited to, the "Terms and Conditions" listed on the back side of this Bill of Lading.

SHIPPER
Regional Integrated logistics
AUTHORIZED SIGNATURE
CARRIER
☒ CON-WAY FREIGHT INC.
☐ CON-WAY FREIGHT-CANADA INC. 4-12-13
AUTHORIZED SIGNATURE DATE
Mj Flynn Con-Way 3 PLS

**INVOICE****Balance Due Upon Receipt**

Billing Period: 4/13/2013 - 4/19/2013

Fed ID#54-2015092

ACCOUNT	INVOICE NO.	INVOICE DATE	CURRENT CHARGES
1010724	1310107240419	Apr19 13	\$782.72

Attn: MATT LUBRANO
 GMV EXPRESS INC.
 PO Box 555 Midtown Station

 NEW YORK NY 10018

Mail Payment To:

LASERSHIP, INC.
 PO BOX 406420
 ATLANTA, GA 30384-6420

Account Payment Questions: 703-761-9030 x8807

Pricing & Customer Service Questions: 1-800-527-3764

INVOICE SUMMARY

Current Invoice \$782.72

Go LaserShip, Go Green**Announcing LaserShip e-Billing**

The easiest way to receive, review,
 and pay your LaserShip invoice.

Go to LaserShip.com
to sign up for e-Billing.

Please return bottom portion with your payment

LASERSHIP, INC.**BALANCE DUE
UPON RECEIPT**


ACCOUNT	INVOICE NO.	INVOICE DATE	CURRENT CHARGES
1010724	1310107240419	Apr19 13	\$782.72

Please make checks payable to:

AMOUNT ENCLOSED \$ _____

LASERSHIP, INC.
 PO BOX 406420
 ATLANTA, GA 30384-6420

Exhibit 2 to City Letter
of 5/1/2013

 DETAIL OF DELIVERIES							Account Number	Billing Period
GMV EXPRESS INC.							1010724	4/13/2013 - 4/19/2013
Date	Ordered By	Reference	From	To	POD	Charges		
101672052537			LaserShip NY	JACQUELINE BORIELLO	RPS	RD	4.75	
4/15/2013			239 W 29TH ST GROUND FL	1819 WILLIAMSBRIDGE				
			NEW YORK NY 10001	BRONX NY 10461				
		705800	705800			EN	0.34	
						Tax	0.00	
						Total	5.09	
101672052538			LaserShip NY	STEPHEN WARD	RPS	RD	4.75	
4/15/2013			239 W 29TH ST GROUND FL	1855 BOGART AVE				
			NEW YORK NY 10001	BRONX NY 10462				
		706063	706063			EN	0.34	
						Tax	0.00	
						Total	5.09	
10100001245285			LASERSHIP (CURRENT)	BETZARIA RAMOS	NO ONE HOME	WS	7.50	
4/16/2013	CATRICE		237 W 29TH ST 2ND FL	91 E 2ND ST 104TH FL				
			NEW YORK NY 10001	NEW YORK NY 10009				
		REF: GMV				EN	1.54	
						Tax	0.00	
						Total	9.04	
101672238518			LaserShip NY	KOS COMPANY GEORGE PERILLI	PERILLI	RD	4.75	
4/17/2013			239 W 29TH ST GROUND FL	18914 CROCHERON AVE 211				
			NEW YORK NY 10001	FLUSHING NY 11358				
		705934	705934			EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436756			LaserShip NY	KATHY BRADY	KATHY	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	19 LUDWIG ST				
			NEW YORK NY 10001	STATEN ISLAND NY 10310				
		O10001244722				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436757			LaserShip NY	MARY PONOMAREV	MARY	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	1377 RICHMOND RD				
			NEW YORK NY 10001	STATEN ISLAND NY 10304				
		O10001244684				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436758			LaserShip NY	ANNEMARIE SKOMINA	ANNMARIE	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	34A POND WAY				
			NEW YORK NY 10001	STATEN ISLAND NY 10303				
		O10001244809				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436759			LaserShip NY	DIANE DIPALMA	DIANE	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	615 LACONIA AVENUE APA				
			NEW YORK NY 10001	STATEN ISLAND NY 10306				
		O10001244691				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436760			LaserShip NY	DEE PASSARIELLO	DEE	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	176 BERTHA PL				
			NEW YORK NY 10001	STATEN ISLAND NY 10301				
		O10001244751				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436761			LaserShip NY	DOLORES HIPPEN	DOLORES	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	20 CAPODANNO BLVD4K				
			NEW YORK NY 10001	STATEN ISLAND NY 10305				
		O10001244818				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436762			LaserShip NY	IRINA LIBEROVA	IRINA	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	870 TYSENS LN				
			NEW YORK NY 10001	STATEN ISLAND NY 10306				
		O10001244696				EN	0.34	
						Tax	0.00	
						Total	5.09	
101672436763			LaserShip NY	ELIZABETH THOMAS	ELIZABETH	RD	4.75	
4/19/2013			239 W 29TH ST GROUND FL	675 TYSENS LANE APT 6 L ALT APT 6N				
			NEW YORK NY 10001	STATEN ISLAND NY 10306				
						EN	0.34	